

**2011-2012**

**REPRESENTATION IN MEDIATION COMPETITION**

**SPONSORED BY THE**

**AMERICAN BAR ASSOCIATION SECTION OF DISPUTE RESOLUTION**

---

**COMPETITION HOSTING PACKET**

**INSTRUCTIONS FOR REGIONAL HOST SCHOOLS  
REVISED FOR 2011-2012**

## TABLE OF CONTENTS

	<b>Page</b>
<b>I. Overview</b>	3
<b>II. National Competition Coordinating Committee</b>	4
<b>III. Preparation for hosting a regional competitions</b>	
A. Competition Director	5
B. Scheduling and Logistics	5
C. Recruiting Volunteer Judges and Mediators	5
D. Recruiting Time Keepers	6
E. Entry Forms, Fee Waiver, and Reimbursement	6
F. Problems and Pairings	6
<b>IV. On-Site Competition</b>	
A. Regional On-site Check in and Orientation for Competitors	7
B. Regional On-site Check in and Orientation for Judges and Mediators	7
C. Scoring	7
<b>IV. After the Competition</b>	9
<b>V. Appendices</b>	
A. Sample Confirmation and Logistics Letter to Visiting Schools	10
B. Sample Call for Volunteer Mediators and Judges	11-14
C. Sample Confirmation Letter to Mediators	15
D. Sample Confirmation Letter to Judges	16
E. Sample Competition Schedule	17-18
F. Timekeeper Instructions	19
G. Timekeeper Worksheet	20
H. Mediators and Judges Instructions and Orientation Outline	21-23
I. Judge “Cheat Sheet”	24
J. Mediator “Cheat Sheet”	25
K. Logistics Check list	26-27
L. Administrative Scoring Worksheets	28-32
M. Mediation Round Observation Agreement and Sign-In	33-34

---

**AMERICAN BAR ASSOCIATION SECTION OF DISPUTE RESOLUTION  
REPRESENTATION IN MEDIATION COMPETITION**

---

**I. Overview**

This packet is designed to help regional Representation in Mediation Competition Directors prepare and manage a regional competition. Numerous Competition Directors have contributed the suggestions and tools contained within this packet. None of the tools contained within this packet are required, rather they are provided here to support the work of the Competition Director.

This packet is designed for schools serving as hosts of the regional competition. However, the contents may be very useful for schools and teams that are new to the competition.

For hosts or schools considering whether to be hosts, we have included below a short summary of what is involved in hosting a regional Representation in Mediation Competition.

People

This competition requires a lot of manpower. There needs to be one or more individuals associated with the school who will coordinate the competition. The competition coordinator needs to arrange for food, help visiting teams identify lodging and find their way around, and manage the documents associated with the competition. Perhaps most importantly, the host coordinator is responsible for overseeing the recruitment of volunteer judges and mediators for the competition. This competition has particular needs for the type of individuals that should be recruited as judges and mediators. Judges need to be individuals who are familiar with interest-based negotiation and can “judge” the students objectively according to the judging criteria supplied.

Space

The host facility must have sufficient space to hold at least five mediation simulations simultaneously. Schools have found that seminar and conference rooms are often good spaces for the mediation simulations. There also needs to be at least one larger space where the host can hold an orientation for all of the judges and mediators.

Food, beverage, and supplies

We encourage hosts to provide some food and beverage for the volunteers and for the participants. The volunteers always appreciate a little food as a sign of appreciation for their efforts. The competition also needs certain supplies like paper, nametags, and pens.

Cost

The manpower, space, and items identified above all have a cost attached to them. The ABA waives the competition entry fee for the host school and provides a small reimbursement based upon the number of schools and teams participating in the competition. The fee waiver and reimbursement often do not completely cover the host school’s costs.

## II. NATIONAL COMPETITION COORDINATING COMMITTEE:

The Competition is coordinated at the national level by the American Bar Association Section of Dispute Resolution. Members of the National Coordinating Committee and staff are listed below.

### **Darshan Brach**

University of California Hastings College of the Law  
Ste 408, 100 McAllister St  
San Francisco, CA 94102-4947  
Telephone: (415) 581-8936  
Fax: (415) 581-8944  
Mobile: 415-992-1704  
[darshanbrach@gmail.com](mailto:darshanbrach@gmail.com)

### **Rich Birke**

Willamette University College of Law  
245 Winter St SE  
Salem, OR 97301-3916  
Telephone: (503) 370-6046  
Fax: (503) 370-6998  
[rbirke@willamette.edu](mailto:rbirke@willamette.edu)

### **Mariana Hernandez Crespo**

University of St Thomas School of Law  
1000 LaSalle Ave Msl 400  
Minneapolis, MN 55403-2005  
Telephone: (651) 962-4835  
Fax: (651) 962-4996  
Mobile: (617) 594-9566  
[mdhernandezc@stthomas.edu](mailto:mdhernandezc@stthomas.edu)

### **Wendy Seiden**

Chapman Law School  
One University Drive  
Orange, CA 92866  
Telephone: (714) 628-2636  
Mobile: (415) 577-7848  
[seiden@chapman.edu](mailto:seiden@chapman.edu)

### **Gail Silverstein**

University of California, Hastings College of the Law, Civil Justice Clinic  
100 McAllister Street, Suite 300  
San Francisco, CA 94102  
Telephone: 415-581-8920  
Fax: 415-557-7895  
Mobile: 510-334-6095  
[silverst@uchastings.edu](mailto:silverst@uchastings.edu)

### **Ann Woodley**

Phoenix School of Law  
Ste 100, 4041 N Central Ave  
Phoenix, AZ 85012-3301  
Telephone: (602) 682-6834  
Fax: (602) 682-6997  
[awoodley@phoenixlaw.edu](mailto:awoodley@phoenixlaw.edu)

ABA Section of Dispute Resolution Staff:

**Matthew Conger**, Staff Attorney  
[matthew.conger@americanbar.org](mailto:matthew.conger@americanbar.org)  
(202) 662-1689

**Gina Viola Brown**, Associate Director  
[gina.brown@americanbar.org](mailto:gina.brown@americanbar.org)  
(202) 212-9314

### III. Preparing to Host a Regional Competition

#### A. Competition Director

Each Host School should designate one faculty member or student not participating in the competition as the Competition Director. This person will be the primary point of contact for all communications with the ABA. The Competition Director must be on site at the Regional Competition and will serve as the primary point of contact for the advisors from the visiting schools.

#### B. Scheduling and Logistics

The Competition Director will schedule the competition between the weekend of Feb 24th and March 18th, 2012. The regional Competition Director may schedule the competition for Friday-Saturday or Saturday-Sunday. The exact schedule is left to the Competition Director's discretion. A sample schedule follows (See Appendix E). Please keep in mind this is only a sample. The Director may adjust the times, as long as the schedule conforms to the competition rules.

Once the schedule is set, the Competition Director should send the schedule and other logistical details such as directions to the competition site, hotel information, etc., to the other participating schools. Host schools should notify the visiting schools if flip charts, chalkboards, or other writing surfaces will be available in all competition rooms so teams can plan appropriately. This information should be sent to the schools no later than 2 weeks in advance of the competition. (See Appendix A for a sample letter to visiting schools).

#### C. Recruiting Volunteer Judges and Mediators

To recruit volunteer judges and mediators, hosts in the past have found it helpful to work with local and/or state bar association dispute resolution committee, state mediation organizations, and local clinics or community mediation centers. Prior hosts have advised that Competition Directors should start volunteer recruitment efforts as early as possible, **preferably several months before the competition is scheduled.** (Please see the Appendix B for sample invitations to volunteer mediators and judges)

You should focus your volunteer recruitment efforts on attorneys who represent clients in mediation, judges who are familiar with the mediation process, law professors who teach dispute resolution courses, mediators with a law degree, and other individuals with knowledge or experience in dispute resolution. It is particularly valuable to have people on your judge panel who are familiar with representation skills and with knowledge and/or experience in interest-based negotiation.

In order to promote consistency in the judging of the competition, Regional Competition Directors are encouraged, but not required, to recruit attorneys to serve as volunteer judges for the competition. Regional hosts are strongly recommended to assign at least one attorney as a judge in each mediation session. Mediators may be from any profession but must have practical experience serving in that capacity.

We also recommend that you collect resumes from potential judges to use in assigning them to particular rooms. This is useful to ensure that an alumnus is not judging the team from their school and also to make sure that there is a balance of experience between the judges in each room.

To assist you with recruiting volunteers and providing them with needed information we have included three sample documents as Appendices:

- Appendix B – Invitations to Volunteer Mediators and Judges
- Appendix C – Sample Confirmation Letter to Mediators
- Appendix D – Sample Confirmation Letter to Judges

#### **D. Recruit Timekeepers**

The Competition Director should recruit one volunteer to serve as timekeepers in each of the competition rooms. The timekeepers keep track of time, hold up signs for the contestants indicating how much time remains, and collect score sheets for the Competition Director. A judge can be asked to keep time if timekeepers are unavailable. See Instructions and Time Sheet for Timekeepers, Appendix F, for more details.

#### **E. Entry Forms, Fee Waiver, and Reimbursement**

Each host school must submit an entry form by the final entry deadline. **The entry fee for host schools is waived**, however, the entry form **must** be submitted so that the National Coordinators can pair the teams in each region and verify that each region has an even number of teams entered in the competition. If there are an odd number of teams entered, the National Coordinators may ask the host school to field an additional team. In addition, if a visiting school fails to field the number of teams they have entered in the competition, the host school may have an opportunity to field an additional team. Host schools are encouraged to have an additional team in attendance at the Regional should another team drop out at the last minute. It is most helpful if the extra team members have read the general information for each round, but have not read the confidential information so that they can portray either side of the fact-pattern without unfair advantage.

Host schools are reimbursed for their costs at a formula of \$75 for each visiting school with 1 team entered and \$125 for each visiting school with 2 teams entered. After the regional competition, the Competition Director must submit a written or email request on school letterhead for reimbursement to the Section of Dispute Resolution. In order to be reimbursed the request must include the following information:

- list of the visiting schools and teams
- the total amount requested
- the name of the person/or organization the reimbursement check should be made out to
- the social security number or Tax ID # of this person or organization.
- The name and address of the person the reimbursement should be sent to.

Reimbursements for hosts will be processed after the national competition. **All reimbursement must be submitted by August 1 of the competition year.**

#### **F. Problems and Pairings**

Entry forms will be accepted until midnight January 27, 2012 and the Regions will be filled on a first come, first served basis. Soon after the January 27th deadline, the National Coordinators will send each regional host a preliminary list of the schools and teams registered for their region. The National Coordinators will try to restrict the Regions to a maximum of 12 teams.

The National Coordinators will begin pairing the teams in each region during the week following the registration deadline. The National Coordinators will email a list of the pairings as well as the problems to each school participating in the Regional Competitions shortly thereafter. Depending upon how many teams and schools are registered in a region, **the teams from the host school may be assigned to opposite sides of the problem**, although every effort will be made to avoid doing so. For instance if five schools in a region each register two teams, in order to have five teams on each side of the problem, the host school will have to be assigned to opposite sides.

Regional Competition Directors will receive a complete set of the regional problems. If the Competition Director is also serving as coach of the Host School's teams, the Director needs to appoint a "neutral" person to handle the complete sets of problems information and inform the National Coordinators as to contact information for this person.

### **IV. ON-SITE COMPETITION**

## **A. Regional On-site Check in and Orientation for Law Student Competitors**

As per the rules, the Competition Director must hold an orientation for the team members so that they have opportunity to ask questions. The organizer should go over the schedule and the key components of the competition. Each team should be given a table tent with their team letter on it. The team letter should be placed on the table facing the judges for each round of the competition so the judges can clearly identify each team when completing their score sheets.

## **B. Regional On-site Check in and Orientation for Judges and Mediators**

Prior to the Competition, the Competition Director should provide a packet of information to all mediators and judges. The competition director may choose to send electronic versions of the instructions, rules, and problem information to all judges and mediators in advance of the competition and provide a complete packet on the day of the competition. Be clear with the Judges and Mediators that they **must** arrive in time to attend the orientation for judges and mediators.

Suggested items to include in the Judge/Mediator Packet:

- (1) Name tag
- (2) The overall competition schedule
- (3) The mediation schedule (showing the room assignments for each round and the names of the participating mediators and judges in each room)
- (4) Competition problems; general information for mediators and judges; Judges receive confidential information for both sides.
- (5) Instructions for their role as mediator or judge
- (6) Judge and Mediator cheat sheets (brief list of important items for them to know to function effectively as a judge or mediator) (See Appendices I and J)
- (7) Score sheets (Each judge needs two score sheets per round; one score sheet for each team)
- (8) Competition Rules
- (9) Optional souvenirs, brochures, thank you tokens

The orientation with the Judges and Mediators is an extremely important opportunity to inform the judges and the mediators about their roles. Each Regional host will be provided an Orientation DVD which may be play for the Orientation. See Appendix H for a sample outline of topics to cover if you choose not to use the DVD.

## **C. Scoring**

The coordinating committee will provide to each host school an Excel spreadsheet that can quickly be adapted to the regional pairings and be used to tabulate the scores for the competition director. This Excel spreadsheet simplifies the work of tallying and computing the scores from the judge's spreadsheet. We have also provided paper worksheets for coordinators who are more comfortable with paper and calculators. The paper scoring worksheets are included as Appendix L and include the following five documents:

- (1) A Point & Ballot Tabulation Sheet
- (2) A Preliminary Rounds – Scoring Tally Sheet
- (3) Post-Preliminary Ranking Worksheet
- (4) Preliminary Rounds – Team Rankings
- (5) Final Team Rankings

## **INSTRUCTIONS FOR ELECTRONIC SCORING:**

### Step One: Use the Round 1 score sheet to record the scores for each Judge in a round:

1. Determine that each score sheet has been signed so that you can determine which team a particular judge chose to win the round.
2. Make sure that each judge has determined a winner (even though the judges are instructed not to tie the teams, it may still happen, in the orientation you should remind judges that they must circle a winner)
3. All values (Total, S-A and Win) must be filled in for the excel sheet to correctly tabulate the rankings
4. On the Round 1 score sheet, enter the team letters for the each pair of teams and each judge's name.
5. Use the "Total Check" as a calculator to ensure the judges tabulated their scores correctly.
6. Enter the total score the judge gave to each team in the "Total" Column.
7. Enter the "Self-Analysis" score given to each team by each judge in the "S-A" Column.
8. Based on each individual judge, place a 1 in the "Win" column of the team with the highest number of points from each individual judge.
  - a. While the Judges are instructed not to do so, if there is a tie in the numerical score from an individual judge, the team with the highest score in the "Self-Analysis" category receives the "Win" from that judge. If there is a still a tie in the "Self-Analysis" Score from the same individual judge, then neither team receives a "Win" mark. Total the scores in the "Total Score" Column.
6. The spreadsheet will automatically tabulate the judge's scores in the overall winner's box.

### Step Two: Use the Round 2 score sheet to record the scores for each Judge in a round:

1. Repeat the above steps in the Round 2 excel sheet.
2. After you have entered all scores into both the Round 1 and Round 2 score sheets the program automatically tabulates the scores and ranks each team.

\*While this should not happen, if there is a tie for Round Winner based on the number of ballots, the Round Winner is the team with the highest Numerical Score. If there is still a tie, the Round Winner will be the team with the highest score in the Self-Analysis category.

\*In the rare event there is still a tie, call a meeting of all team coaches and vote on the category that the coaches feel should carry the next-most weight, without revealing to the coaches the identification of the teams that are in a tie situation. This means that you shouldn't post any winners until all rounds have been tabulated.

\*You may choose whether you want to post the Preliminary Rounds Ranking Sheet prior to the finals. Keep in mind that the Team Rankings Sheets indicate the name of the schools and Championship Round judges should not be allowed to view the school identifications prior to the end of the Championship Round.

\* Each team may receive a copy of their own score sheets but NOT a copy of their opponents score sheets

\* Please send hard copies of the score sheets from the FINAL Round only to the ABA DR Section Office at the completion of the Regional Competition.

**V. After the Regional Competition**

- A. Make copies of the score sheets; keep one copy for your record and send each school a copy of the score sheets for that school's teams.
- B. Forward the name of the winning school and team members to the ABA Section of Dispute Resolution.
- C. Submit your request for reimbursement to the ABA Section of Dispute Resolution.
- D. We recommend you send thank you notes to the volunteer judges and mediators.
- E. The ABA Section of Dispute Resolution will make regional winner certificates for the winning team in each region. In most circumstances, these certificates are provided to the regional winners during the National Competition. Regional competition directors may make additional certificates to recognize the regional participants at their discretion.

## APPENDIX A

[Date]

Dear: [ADR Professor]

Re: Participation in the Regionals of the ABA Section of Dispute Resolution's  
Representation in Mediation Competition

Dear Teams:

I would like to personally welcome you to \_\_\_\_\_ School of Law as we host the Regionals of the ABA Section of Dispute Resolution's Representation in Mediation Competition. As you should be aware by now, the competition for our region will be held, \_\_\_\_\_, here in \_\_\_\_\_. The final round will be held on \_\_\_\_\_. The winner of this regional competition will advance to the national competition held in conjunction with the **ABA Section of Dispute Resolution's spring conference.**

I will be handling most of the logistics of the competition. As part of this, please note that flip charts will be available in every competition room for use by the competitors. Our faculty advisor, \_\_\_\_\_, will be overseeing matters the weekend of the competition. As I am sure you are aware, the participating students are judged on their skills and talents in representing clients in mediation. This is a very exciting and valuable experience for all of us.

As we are recruiting attorneys to serve as mediators and judges, I'd like to extend an invitation to any of your professors or local supporters to feel welcome to participate as mediators or judges. It would be great to see as many of the regions' attorneys get involved.

**We also hope to make this a fun and interesting weekend for the coaches and team members. A light continental breakfast will be available Saturday morning during check-in. Lunch will be provided in the \_\_\_\_\_. We plan to have a reception Saturday evening following the competition in the lobby of the law school. We ask that you RSVP as to how many of you plan to attend the weekend events so that we may plan accordingly.**

If you would like a list of hotels and restaurants, I can email them to you. Directions to the law school are found at \_\_\_\_\_.

If you have any questions about this competition, please contact me by phone \_\_\_\_\_ or e-mail \_\_\_\_\_, or the ABA staff by phone at (202) 662-1689 or e-mail [matthew.conger@americanbar.org](mailto:matthew.conger@americanbar.org)

I hope to hear from you soon.

Very truly yours,

APPENDIX B-1

INVITATION TO VOLUNTEER JUDGES  
2012 Regional ABA Representation in Mediation Competition

Want to help law students learn how to be representatives in mediation? Want to enhance your resume? Want to be of service? We need you!

The ABA Section of Dispute Resolution seeks experienced mediators and lawyers for the Regional Representation in Mediation Competition, [Date], [Location]. In this competition, law students role-play as attorneys and clients in a mediation setting. The competition measures how well law students model appropriate preparation for and representation of a client in mediation.

Volunteers will judge the law students participating in the competition. Past volunteers report learning much that is helpful in their teaching and mediation work, as well as seeing how much the law students learn.

Our greatest need is for volunteers to serve as judges for the First Round, scheduled for \_\_\_\_\_, and the Second Round, scheduled for \_\_\_\_\_. We will have a training meeting for you prior to start of each round.

The final round will be on the \_\_\_\_\_ from \_\_\_\_\_.

**Role of the Judge:** Volunteer judges evaluate and score the quality of representation by the student teams and also give feedback directly to the students at the end of the competition. We are interested in having people with knowledge and/or experience in interest-based negotiation. Competition rules recommend that judges should be attorneys and experienced with interest-based negotiation and mediation.

*If you would like to volunteer, please complete the short form below and either e-mail it to \_\_\_\_\_.*  
*All volunteers will be sent a confirmation and additional information, including the Rules and Instructions for Judges, and the problems assigned to the competitors.*

---

Please e-mail this form and a resume or short biography to \_\_\_\_\_.

Yes, I would like to volunteer for the Representation in Mediation Regional Competition.

I would like to judge the competition \_\_\_\_\_

I am available for Round 1 \_\_\_\_\_

I am available for Round 2 \_\_\_\_\_

I am available for Finals \_\_\_\_\_

Your name:

Firm or Company Name

E-mail address:

Street address:

City:

State:

Zip code:

**Short Bio:**

Experience as an advocate in mediation:

Practice background:

Are you a mediator?

Types of cases you mediate:

Have you ever judged an ABA Representation in Mediation Competition?

When/Where?

Have you ever helped prepare a team for the competition?

If so, what team? When?

Where did you go to law school?

Do you teach or have any other professional affiliations with a law school at the present time?

In the past?

Which one(s)? What is your affiliation?

APPENDIX B-2

INVITATION TO VOLUNTEER MEDIATORS  
2012 Rational ABA Representation in Mediation Competition

Want to help law students learn how to be representatives in mediation? Want to enhance your resume? Want to be of service? We need you!

The ABA Section of Dispute Resolution seeks experienced mediators and lawyers for the Regional Representation in Mediation Competition. In this competition, law students role-play as attorneys and clients in a mediation setting. The competition measures how well law students model appropriate preparation for and representation of a client in mediation.

Volunteers will serve as mediators in the competition role-play participating in the competition. Past volunteers report learning much that is helpful in their teaching and mediation work, as well as seeing how much the law students learn.

Our greatest need is for volunteers to serve as judges for the First Round, scheduled for \_\_\_\_\_, and the Second Round, scheduled for \_\_\_\_\_. We will have a training meeting for you prior to start of each round.

The final round will be on the \_\_\_\_\_ at \_\_\_\_\_.

**Role of the Mediator:** Volunteer mediators serve as mediators for the role-play, with the students playing the roles of lawyers and clients. **Volunteer mediators are required to use a facilitative mediation style** so that the student competitors see a consistent style throughout the competition.

*If you would like to volunteer, please complete the short form below and either e-mail it to \_\_\_\_\_. All volunteers will be sent a confirmation and additional information, including the Rules, Instructions for Judges and Mediators, and the problems assigned to the competitors. Also be sure to schedule your flight so that you are in Atlanta in time for the scheduled competition round.*

---

Please e-mail this form and a resume or short biography to \_\_\_\_\_.

Yes, I would like to volunteer for the National Finals of the Representation in Mediation Competition.

I would like to serve as a mediator \_\_\_\_\_

I am available for Round 1 \_\_\_\_\_

I am available for Round 2 \_\_\_\_\_

I am available for Finals \_\_\_\_\_

Your name:  
(Please print.)

Firm or Company Name:

Signature:

E-mail address:

Street address:

City:

State:

Zip code:

**Short Bio:**

Are you a mediator?

Experience as a mediator:

Types of cases you mediate:

Are you comfortable using a facilitative style of mediation?

Have you ever mediated or judged an ABA Representation in Mediation Competition, including regional competitions?

When/Where?

Have you ever helped prepare a team for the competition?

If so, what team? When?

Where did you go to college and graduate school?

Do you teach or have any other professional affiliations with a law school at the present time?  
In the past?

Which one(s)? What is your affiliation?

## **APPENDIX C – SAMPLE CONFIRMATION LETTER TO MEDIATORS**

Dear [volunteer],

Thank you very much for agreeing to volunteer your time and share your expertise and knowledge with the law students competing in the Representation in Mediation Competition. I hope that you will be impressed with the abilities of the law students competing in the Competition. One of the great benefits for the students in this competition is being able to learn from the experienced mediators and attorneys who volunteer for the competition.

If your schedule changes and you are not able to volunteer for the competition, please let us know as soon as possible. The competition rules require a minimum of three volunteers for each mediation session. It is very important that we can count on you to serve as a volunteer for the Competition Round you have scheduled.

Check in for the [round] of the competition will be at [time, date] outside the [room, building, specific address]. The orientation for judges and mediators will start promptly at \_\_\_\_\_. Please allow yourself sufficient time to arrive before the orientation begins. The Round will last until approximately \_\_\_\_\_.

I have attached to this [e-mail/letter] the competition packet that includes the entire competition schedule, the Rules and Instructions for Mediators. Please note that the mediator style used in this competition is a VERY facilitative style. The Competition Rules require this style so that there is some uniformity amongst the mediation sessions. Please read all of the rules, particularly the Instructions for Mediators, before Friday morning.

I have also attached the general information for the problem assigned to the student competitors. Each team competing has received the general information as well as the confidential information for their side only in advance of the competition.

When you check in we will provide you with a packet that includes hard copies of all of this information.

Please feel free to contact me if you have any questions. Thanks again for volunteering with the Competition.

## **APPENDIX D – SAMPLE CONFIRMATION LETTER TO JUDGES**

Dear [volunteer],

Thank you very much for agreeing to volunteer your time and share your expertise and knowledge with the law students competing in the Representation in Mediation Competition. I hope that you will be impressed with the abilities of the law students competing in the Competition. One of the great benefits for the students in this competition is being able to learn from the experienced mediators and attorneys who volunteer for the competition.

If your schedule changes and you are not able to volunteer for the competition, please let us know as soon as possible. The competition rules require a minimum of three volunteers for each mediation session. It is very important that we can count on you to serve as a volunteer for the Competition Round you have scheduled.

Check in for the [round] of the competition will be at [time, date] outside the [room, building, specific address]. The orientation for judges and mediators will start promptly at \_\_\_\_\_. Please allow yourself sufficient time to arrive before the orientation begins. The Round will last until approximately \_\_\_\_\_.

I have attached to this e-mail the competition packet that includes the entire competition schedule, the Rules & Instructions for Judges and the Score Sheets for judges. Please read all of this material before the competition.

I have also attached the three parts of the problem assigned to the student competitors - the general information, confidential information for the Plaintiff and confidential information for the Defendant. Each team competing has received the general information as well as the confidential information for their side only in advance of the competition. Please do not share or forward any portions of the Problem.

When you check in we will provide you with a Judge's packet that includes hard copies of all of this information.

Please feel free to contact me if you have any questions. Thanks again for volunteering with the Competition.

# APPENDIX E

## SCHEDULE

**This is a SAMPLE schedule only.  
Regional organizers will provide a schedule to all regional participants.**

### **Round 1 [Day, Date]**

8:00	Check-in for participants in room _____ in the _____ Building; room assignments are made available (Donuts, Muffins, coffee, and juice)
8:15	Check-in for judges and mediators outside of room _____ in the _____ Building. Make certain to keep the competitors in a separate room from the judges and mediators.
8:30 – 9:00	Orientation and room assignments for judges and mediators in room _____.
9:00 - 9:10	Mediators, judges, and participants move to their assigned mediation rooms; participants give mediation plan to their judges
9:10 – 9:20	Judges read representation plans
9:20 – 10:35	Mediation sessions
10:35 – 10:45	Teams prepare for self-analysis & judges begin to work on score sheets
10:45– 11:05	Team self-analysis sessions with judges (10 minutes for each team)
11:05 - 11:20	Judges complete their score sheets and prepare their remarks for the critique session. The timekeeper then collects the score sheets
11:20 – 11:50	Judges critique team performance and provide feedback (15 minutes for each team)
11:50	Lunch (on your own)

## **Round 2 [Day, Date]**

1:00	Check-in for participants
1:15	Check-in for judges and mediators outside room _____ in the _____ Building
1:30 – 2:00	Orientation for judges and mediators in room _____ in the _____ Building. Make certain that the competitors and judges are in different rooms.
2:00 – 2:10	Participants, judges and mediators move to their assigned rooms; participants give their mediation plan to their judges
2:10 – 2:20	Judges read the representation plans
2:20 – 3:35	Mediation sessions occur
3:35 – 3:45	Teams prepare for self-analysis & judges begin to work on the score sheets
3:45 – 4:05	Team self-analysis sessions with judges (10 minutes for each team)
4:05 – 4:20	Judges complete their score sheets and prepare their remarks for the critique session; the timekeeper then collects the score sheets
4:20 – 4:50	Judges critique team performance and provide feedback (15 minutes for each team)
4:50 – 5:30	The scores are compiled
5:30	Finalists are announced

## **Finals [Day, Date]**

8:00	Check-in for participants
8:15	Check-in for judges and mediators outside of room _____ in the _____ Building
8:30 – 9:00	Orientation for judges and mediators in room _____ of the _____ Building. Check-in for participants outside of room _____ in the _____ Building
9:00 – 9:10	Participants, judges and mediators move to their assigned rooms; participants give their mediation plans to their judges
9:10 – 9:20	Judges read the representation plans
9:20 – 10:35	Mediation sessions
10:35 – 10:45	Teams prepare for self-analysis & judges begin to work on their score sheets
10:45 – 11:05	Team self-analysis sessions with judges (10 minutes for each team)
11:05 – 11:20	Judges complete their score sheets and prepare their remarks for critique session. The timekeeper then collects the score sheets
11:20 – 11:50	Judges critique team performance and provide feedback (15 minutes for each team)
12:00	Regional Champion announced

## APPENDIX F

# Representation in Mediation Competition

### TIMEKEEPER INSTRUCTION SHEET

- Each Mediation Session will last a maximum of 75 minutes.
- During the Mediation Session, each team may take a five-minute break. Do not stop the time during the break. The teams have been instructed that time will continue to run.
- If one team requests a break, BOTH teams must leave the room during the break.
- All non-competitors, including faculty advisors and coaches, who wish to observe the competition must sign in prior to the start of the role play. Observers are required to remain in the competition room until the end of the Judges' critique period. The only other time an observer may exit the room is at the completion of the mediation session (75 minute mark) when the competitors leave the room to prepare for their self evaluation. However, coaches and faculty advisors must remain in the room until the end of the Judges' critique period. If an observer leaves the room, s/he is prohibited from re-entering the room or having any contact with the competitors until the round is completed.
- Each team may have a ten-minute "caucus."
- During the caucus, the overall time will continue to run. Please make a notation of the time at the beginning of the caucus in order to keep track of the ten-minute time period for each caucus.
- At the end of 75 minutes, announce that time has expired. This will be followed by a 15-minute break, where both teams must leave the room. At the end of the 15-minute break, please announce to the teams that it is time for the teams to begin self-analysis. The teams will do the self-analysis independently while the other team waits outside. Each team will have a maximum of 10 minutes. The contestants should not have any contact with their coaches until the end of the critique period.
- At the end of the self-analysis period, and before the judges' critique session, the timekeepers will collect the judge ballots and return them to the competition coordinator for tabulating.

# APPENDIX G

## AMERICAN BAR ASSOCIATION SECTION OF DISPUTE RESOLUTION MEDIATION COMPETITION

---

### TIMEKEEPER WORKSHEET

- The Mediation Session will run for 75 minutes.
- You should start giving time signals when 30 minutes remains (45 minutes into the session). Time cards should be given as follows:

<b>Time Card</b>	<b>Running Time</b>
30	45
20	55
10	65
5	70
3	72
2	73
1	74
:30	74:30
STOP	75

Time DOES NOT STOP during the following events, but you will need to time these events by noting the beginning time and then adding 5 or 10 minutes to that time. You will want to give the teams a countdown from the 2-minute card to let them know they are nearing the end of the caucus.

#### Caucus – 10 Minutes Each

Team 1 Caucus – Beginning Time: \_\_\_\_\_

Team 1 Caucus – Ending Time: \_\_\_\_\_

Team 2 Caucus – Beginning Time: \_\_\_\_\_

Team 2 Caucus – Ending Time: \_\_\_\_\_

#### Break – 5 Minutes Each \*The teams may choose to waive their right to a break.

Team 1 Break – Beginning Time: \_\_\_\_\_

Team 1 Break – Ending Time: \_\_\_\_\_

Team 2 Break – Beginning Time: \_\_\_\_\_

Team 2 Break – Ending Time: \_\_\_\_\_

## APPENDIX H

### MEETING WITH MEDIATORS/JUDGES

- Welcome!
- Thank you so much for your help!!
- Review items in Judge/Mediator packets:
  - (1) Name tag (**PLEASE WEAR**)
  - (2) The overall competition schedule
  - (3) The mediation schedule (showing the room assignments for each round, and the names of the participating mediators and judges in each room)
  - (4) Competition problems; general information for mediators and judges; including confidential information for both sides if you are acting as a judge
  - (5) Instructions for your role as mediator or judge (which were part of the competition packet that was mailed to you earlier)
  - (6) Score sheets (2 in each packet - one for each team)
  - (7) [Optional souvenirs, brochures, thank you tokens]
- Review mediation schedule and Rules

#### **IF YOU ARE ACTING AS THE MEDIATOR:**

##### General Things to Remember:

75-minute mediation session

Your introduction should not exceed 5 minutes

This must be a facilitative mediation, not an evaluative one. This means that in this competition you should not be evaluating the merits of each side's position, but rather helping the parties communicate with each other.

You should not call a caucus - only the student attorneys can do that according to the rules; and, if they do, each team can only have one ten-minute caucus. Neither team is required to have a caucus. Just because one team asks for a caucus does not mean that the other team must have a caucus immediately after the first team's caucus.

Please be relatively inactive as the mediator. You should not be dominating air time, however you are also not to be silent throughout. In other words, despite what you might otherwise do at the beginning of a complex mediation (especially one with attorneys present), in these situations it would be most helpful for you to participate in a way that allows the attorneys to have the **maximum** time to demonstrate their skills working in a mediation. You won't be judged as a mediator (we won't assume this is how you usually function). Instead you will be guiding the mediation in a minimal, but effective way. Please do not be completely silent. The goal is for you to be a presence guiding the communication process.

## **IF YOU ARE ACTING AS A JUDGE:**

NOTE: If there are only 2 judges in a room, the mediator will also act as a judge - filling out the judges' scoring sheets. If there are 3 judges, the mediator does NOT act as a judge. Questions about this?

### General Things to Remember:

Read the general information and both sides of the confidential information (in your packet) before the mediation starts.

Read the Representation Plan (You do not grade this but it is supposed to help you interpret what the teams are doing in the mediation session, and it affects their answer to the third self-analysis question).

The teams are expected to follow a problem-solving approach to representation

Note (that because of the tight time limits) the students' failure to reach an agreement should not result in a lower score, unless such failure comes in the face of an offer that is clearly and manifestly in the interest of the declining party and thus appears to result from bad faith.

Numerical scoring: We need you to be as consistent (both internally and with your fellow judges) as possible, so try to keep these standards in mind: (1 to 7 points)

- the mid-point of 4 should be the starting point = adequate
- if the team's performance is just above adequate or somewhat good, the score is 5
- if the performance is good, the score is 6
- if the performance is so exceptional that you would be willing to hire the team members immediately as your lawyers, the score is very good or 7
- if the team's performance is just below adequate or somewhat poor, the score is 3
- if the performance is poor, the score is 2
- if the performance is very poor, the score is 1

**Please do not discuss the team's performance with the other judges. Your analysis of the team and the scores you assign must be completely private. Please remember to circle a winner when you finish your scoresheet. Even if you tie the teams numerically you must circle a winner.**

RE: THE TEAMS' SELF-ANALYSIS PERIOD: During the self-analysis period (10 minutes per team; plaintiff's side goes first), the students are to analyze themselves, starting by answering these 3 questions (which appear on your score sheets,):

- (1) In reflecting on the entire mediation, what specific problem-solving strategies did your team do well?
- (2) Also, in what areas did you experience difficulties and what would you do differently next time when facing a similar situation?
- (3) How well did the outcome advance your client's interests as presented in the written representation plan?

You may ask them questions about their performance in general (but don't give them feedback at this time). They may also add comments about why they chose a particular approach or even a specific tactic. And you may take into consideration for scoring purposes anything said by the team members during this session.

CRITIQUE/FEEDBACK:

**(The team being critiqued makes the choice as to whether they want to have the other team in the room while they are critiqued)**

Please provide constructive criticism; be respectful and understand that this should be a positive learning experience. This doesn't mean that you need to convey that everything was perfect either. Students will listen carefully to your evaluation and it is most useful if they hear an honest yet carefully constructed critique. Please tell the students precisely the good aspects of their performance and the areas that could be improved upon. Avoid the use of harsh, charged and judging language.

QUESTIONS???

## Appendix I

### “CHEAT SHEET” FOR JUDGES

**Please read the instructions for judges. The most important things to remember are:**

- Read the general and confidential information about each case before the mediation starts.
- Read the representation plan. This is not graded, but will help you interpret what the teams are doing in the mediation session.
- Teams are supposed to follow a problem-solving approach in the mediation. Because time is tight, failure to reach agreement should not result in a lower score, unless such failure comes in the face of an offer that is clearly in the interest of the declining party and thus appears to result from bad faith.
- **Please don't talk to the other judges about your assessment of the teams, or how you will score, until you have completed the scoring.**
- **Scoring:** range from 1 - 7. The mid-point of “4” should be the starting point, representing “adequate.” A performance just above adequate, is “5.” If the performance is “good,” the score is “6.” If the performance is so exceptional that you would be willing to hire the team members immediately as your lawyers, the score is “7.” If the team’s performance is “just below adequate” or “somewhat poor,” the score is “3.” A “poor” performance is “2.” If the performance is “very poor,” the score is “1.”
- **Self-analysis:** Each team has ten minutes for this. The students talk to each other (in front of you) and analyze themselves, answering three questions which appear on your score sheet. **Don't give feed-back during this time.**
- **Critique/feed-back:** Team being critiqued chooses whether to have other team present while they are being critiqued. Give constructive criticism, in a helpful way. Please tell the students precisely the good aspects of their performance and state objectively and precisely the areas that could be improved. Avoid the use of harsh, charged and judging language.
- Please do not tell either team (either during the critiquing session or later) how you rated them or “who won.”

## Appendix J

### “CHEAT SHEET” FOR MEDIATORS

**Please read all of the instructions for mediators. The most important things to remember are:**

- 75 minute mediation session
- Your introduction should not exceed 5 minutes
- This is a facilitative mediation, not an evaluative one. You will not evaluate the merits of each side of the case. Instead, your role is to help the parties communicate with each other, using minimal participation by you. However, this does not mean that you are completely silent, rather that you participate in a way that gives the attorneys a maximum amount of time to demonstrate their skills working in a mediation.

Examples of the kind of intervention you might utilize are:

- *When one part of the problem has been addressed extensively,*  
"You've paid a lot of attention to this one aspect of the problem, what are your thoughts on some other areas of disagreement?"
- *When one or more points keep being repeated,* "What additional information do you need to move forward?"
- *If the parties need help generating options, you can ask questions like,* "What options would address your interest in having effective communication?" or "What would it look like if you were both being respectful? What would you be doing?" or "What could he do differently that would address your concerns?"

We are not suggesting that you need to use these words, or intervene only at moments like the ones described above. We are trying to communicate that mediators should interact, but in brief, focused ways.

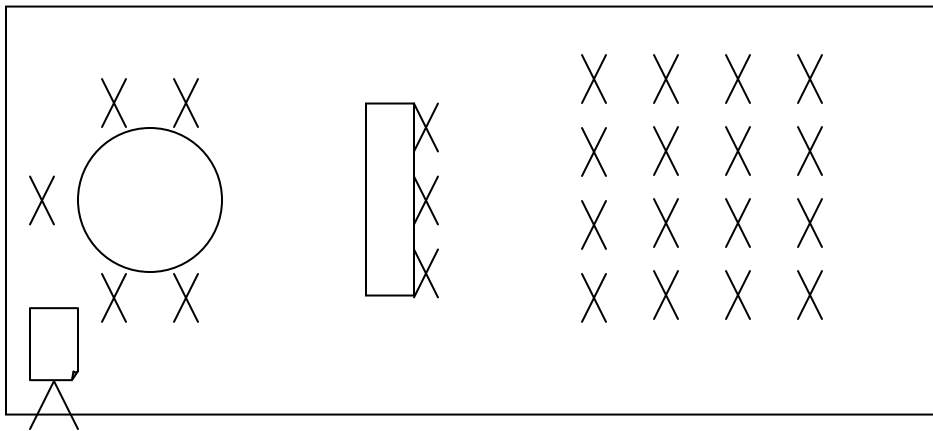
- As the mediator, you control the table and the mediation environment. As long as you adhere to the competition rules, you can allow (or disallow) the participants to use flip charts or white boards or other mediation “tools.”
- One part of the mediation that you do not control is when to call a caucus. The rules prohibit mediators from calling the caucuses. Only the “attorney” and “client” participants do that. Each side is allowed one ten-minute caucus. Just because one team asks for a caucus does not mean that the other team must have a caucus immediately after the first team’s caucus. And neither team is required to caucus at all.

## Appendix K

### Logistics Check List

Room Set Up – things to consider

- Close proximity between competition rooms – must NOT hear other competitors
- # of rooms needed = # of teams divided by 2 plus 1 for headquarters.
- Each room should have a flip chart, easel, and markers for the competitors to use. If available, please request flip chart paper with “Post-it” adhesive on the back so competitors can put on the walls if they choose.
- Finals room should be large enough to handle observers, the mediation table, and the judges table as well as the videotape equipment, if used
- Room Set Up:



- CERTIFICATES for participants, if regional provides them.
- Prepare orientation outline before the conference. Include information for the participants, and one for judges/mediator orientation (including cheat sheet for mediators and judges).
- Name tags for
  - Competitors (letters only)
  - Coaches
  - Judges
  - Mediators
- Team Placards (letters only)
- Envelopes/Packets of materials for judges:
  - 2 scoring sheets
  - Rules
  - Agenda/Time line of events
  - Copy of the Problem – Both General Information and Confidential
  - Copy of the 1 page summary of the problem
  - Cheat Sheet for Judge
- Envelope of materials for mediators:
  - Rules
  - Agenda/Time line of events
  - Copy of the Problem – General Information Only
  - Cheat Sheet for Mediator
- Copies of the Competition Agenda/Time line (at least enough copies for the committee members)

- Copies of the Score Sheets
  - Room Assignments (1 for each team, mediator, and judge)
  - Paper Scoring sheets
  - 2 Laptops w/Excel Scoring Program installed
  - Room Signs – “Do NOT Disturb”
  - Tape
  - Observers Sign In Sheet
  - Videotape Equipment
    - Video camera
    - Video tape (long enough for entire competition round – 2 hours)
- Microphones?

## APPENDIX L Scoring

Point & Ballot Tabulation Sheet – Round \_\_\_\_\_

	Team Letter _____			Team Letter _____		
	Ballot (Win)	Total Score	*SA Score	Ballot (Win)	Total Score	*SA Score
<b>Judge 1</b>						
<b>Judge 2</b>						
<b>Judge 3</b>						
<b>Total Ballots</b>						
<b>Total Score</b>						
<b>*Total SA Score</b>						

**ROUND WINNER:** \_\_\_\_\_

\*Because the Self-Analysis Score is only used in a tie-breaking situation, this score may be eliminated from the tally and ranking sheets if there is a clear winner.



# Representation in Mediation Competition

---

## POST-PRELIMINARY RANKING WORKSHEET

<b>Counting Number</b>	<b>Team Identification Letter</b>	<b>Win/Loss Record</b>	<b>Number of Ballots</b>	<b>Total Score</b>	<b>*SA Score</b>
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

# Representation in Mediation Competition

---

**PRELIMINARY ROUNDS – TEAM RANKINGS**

<b>Team Ranking</b>	<b>Team Letter</b>	<b>School</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

# Representation in Mediation Competition

---

**FINAL TEAM RANKINGS**

<b>Team Ranking</b>	<b>Team Letter</b>	<b>School</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

